

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FEB 09 2007

JOHN F. CORCORAN, CLERK  
BY: *S. Taylor*  
DEPUTY CLERK

STEVE ALLEN SHELTON,  
Petitioner,

Civil Action No. 7:06CV00549

v.

**ORDER**

GENE JOHNSON, DIRECTOR  
VA DEPARTMENT OF  
CORRECTIONS,  
Respondent.

By: Hon. James C. Turk  
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ADJUDGED AND ORDERED** that:

- (1) defendant's motion to dismiss is **GRANTED**.

The Clerk of Court is directed to strike this matter from the active docket of the court and to send certified copies of this Order and the accompanying Memorandum Opinion to all counsel of record and to Petitioner.

ENTER: This 9<sup>th</sup> day of February, 2007.

*James C. Turk*  
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Hon. James C. Turk,  
Senior United States District Judge